

Pragati

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Review

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The Indian National Interest Review

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TERRORISM

Retaliation, punishment, deterrence

The external and the internal dimensions of India's response

NITIN PAI

UNLESS India responds purposefully, forcefully and successfully to the war that has been imposed on it—and that war began long before the last week of November 2008—the grand project of improving the lives, well-being and happiness of over a billion Indians, and many more besides, will be seriously jeopardised. For that reason India must not only seek to deliver exemplary punishment on the terrorist organisations and their Pakistani sponsors, but also make it prohibitively expensive for anyone to use terrorism as a political strategy.

Taking the war to the enemy

There is a case for India's geopolitical response to be deliberately irrational: India must expect concrete support, not international sympathy. It must

India's strategic response must be to engage the jihadi adversary in Afghanistan. A significant military presence there would boost the strength of the Afghan and US forces fighting elements that are inimical to India's interests.

not let the actions that it deems necessary to be circumscribed by the usual calls for "restraint"—read inaction—that the international community routinely delivers. The Indian government must only be guided by what it must do to ensure that the perpetrators are punished and deterred from attempting such attacks in future.

Yet, it would be unwise to reflexively get into a direct military conflict with Pakistan. That would

play right into the hands of the Pakistani military establishment, which for its part, is certain to use the smallest opportunity to wind down its reluctant operations against the Taliban militants on its western borders. Some Pakistani strategists are counting on the artificial, US-enforced antagonism between their army and the Taliban to dissolve into a recharged insurgency that would, ulti-

The Indian state must reassert its monopoly over violence and severely punish those who use violence as a political tool.

Obviously, this means evolving a national counter-terrorism policy (and, in the following article, Ajit Kumar Doval explains the difficulties of getting there). However, it also means lowering the threshold of tolerance to various kinds of political violence, that have especially mushroomed over the last few years. From the spread of Naxalism, to the battles in Nandigram, to the Gujar agitation, to homegrown jihadi attacks and finally down to extremist Hindutva terrorism, political violence is on the ascendent.

B R Ambedkar had rejected even non-violent *satyagraha* as the “grammar of anarchy” in an independent democratic India. It is hard to hold citizens to constitutionalism when they observe that violence is more rewarding. Even as the Indian government contemplates setting up a new federal agency to combat terrorism, it is by vigorously enforcing the rule of law across the board that it can contain it more effectively. The existence of bad laws, however, prevents the enforcement of good ones. Should the police be used to prevent terrorism or to enforce a Victorian morality on citizens? The answer should be clear after November 26th, 2008. Using public funds for moral policing not only wastes limited resources, it also sustains organised crime syndicates, some of which are intimately connected to jihadi terrorism.

After the last bullet was fired in Mumbai, bringing one nightmare to an end, a section of the angry population took to the streets to protest against a political leadership that had wholly mismanaged internal security. But a government that could not protect citizens from monsoon rains—a relatively predictable phenomenon—can hardly be expected to protect its citizens from terrorist attacks. Unless Indian citizens channel their anger and outrage into improving the overall quality of governance, and demanding more from their political representatives and holding them accountable for quotidian public services, it is almost certain that the state will be increasingly less effective in providing basic security. For the fundamental problem is that India's governance capability has so fallen short of its economic, geopolitical and internal security circumstances that the impact of even minor events, leave alone massive terrorist attacks, will be increasingly destabilising.

A government that cannot protect citizens against monsoon rains can hardly be expected to protect them against terrorist attacks. An overall improvement in governance is necessary.

mately, defeat yet another superpower. How can recreating the old jihadi breeding ground be in India's interests? And this is regardless of the outcome of a military confrontation along the India-Pakistan border, and even very merits of it during an unprecedented global economic downturn.

As Sushant K Singh argues in an article in this issue, India's strategic response must be to engage the jihadi adversary in Afghanistan. A significant military presence there would boost the strength of the Afghan and US forces fighting elements that are inimical to India's interests, and are aligned, if not associated with the Lashkar-e-Taiba that is suspected to be the organisation that carried out the Mumbai attacks. The Indian government must urgently engage in a diplomatic initiative that brings the United States and Iran together to address the security challenges in Afghanistan. The election of Barack Obama—who wants to win the war in Afghanistan-Pakistan, and is amenable to engaging Iran—opens up the opportunity, but only if the United States can also grasp that this is the only way to win that war.

India, the United States and Afghanistan share a common interest in restructuring Pakistan's military establishment. This is the single most important factor determining peace and stability in the region. It cannot come about unless the Taliban insurgency is defeated.

The home front

The fact that a small number of terrorists could bring one of India's biggest cities to a standstill for three days will not be lost on potential terrorists in the country, and indeed around the world. It is to India's credit that all the terrorists save one were eliminated, something that will discourage all but the most committed. But that still won't suffice.

Nitin Pai is editor of *Pragati* and blogs at *The Acorn* (acorn.nationalinterest.in).

COUNTER-TERRORISM

The elusive national counter-terrorism policy*A problem of political vision, federal structure & the nature of the threat*

AJIT KUMAR DOVAL

THAT THE absence of a coherent and time-consistent policy is responsible for India's failure on the counter-terrorist front is a common refrain of many well meaning critics. The parallels with United States' success in securing its homeland following the 9/11 attacks, as against repetitive attacks in India, are largely attributed to this infirmity. While the logic of the two comparisons is faulty on the fundamentals, it cannot be denied that despite having bled profusely, India's response to terrorism has not been in pursuance of a grand policy.

The Indian response generally has been episodic and disjointed, mostly reacting to situational challenges in the aftermath of major terrorist actions. Short-term and tactical, the response is primarily driven by an anxiety to reduce political costs in the wake of popular resentment and media onslaught, achieve quick results in identifying and neutralising the culprits and dish out brave statements to boost public morale, all in the hope that these will be seen as government's bold new policy initiatives.

Arguably, this is the time for fast and smart tactical actions to generate heat on the terrorists and not for policy-making which is a long and cumbersome exercise of defining objectives, building capacities, re-defining inter-agency role and responsibilities and restructuring systems. While one can justify the immediate taking precedence over the important to meet the problem at hand, it is baffling that even after the initial outburst subsides the important continues to remain as elusive as before. The system settles down to the rut of the routine till the next event triggers the cycle all over again.

People start believing that the government lacks the intention, capability or the both to address the problem. Once their expectations of the government grappling the problem from a higher plane with a long term policy perspective, strategic vision and systems-driven co-ordination are belied, widespread cynicism sets in.

It would be absurd to presume that any government in power would not wish to deliver—if for no other reason than for its own political benefit. It also can not simply be attributed to bureau-

cratic apathy or insensitivity of the security apparatus. The latter are perhaps the worst sufferers of non-policy and would very much like to be led by definitive policy guidelines, if they only had the capability and opportunity of having one. The question that begs an answer is why does this happen in a country that is the world's biggest victim of terrorism. There has to be something more fundamentally amiss in the Indian system which is responsible for this. It is important to identify these causes to bring about the required correctives.

Existence of political vision is at the centre of policy-making. Yet in the fractious contemporary Indian polity, political vision has been overcast by electoral calculations and the need to pander to the perceived sensitivity of vote-banks.

Policy-making in government is a process through which those in power translate their political vision into plans and programmes to achieve certain defined objectives. Existence of political vision is thus at the centre of policy-making. Yet in the fractious contemporary Indian polity, political vision has been overcast by electoral calculations and the need to pander to the perceived sensitivity of vote-banks. Maximising electoral advantages by serving the national interest best is no more considered to be the politics that pays. Commitment to the national good and ideological convictions, visible in early years of independence, has been taken over by politics of compromise and short-term expediency. In recent times, coalition compulsions have further accentuated the problem, constricting policy making only to a small residual area which does not hurt political interests of even a small constituent, as withdrawal of parliamentary support could lead



to collapse of the government. This minimal area of consensus is too small to formulate policies in respect of challenges which require national response at maximal level. As many security issues, including terrorism, fall in this category they have been the worst hit.

For instance, the North-East is India's most vulnerable strategic region with more than 99 per cent of its boundary being international. Over 88 percent of this international border is with countries with which India faces one or the other security related problem. Due to geo-historical reasons, the area is still secluded from national mainstream and has witnessed more than two dozen insurgencies since India's independence. It also provides an easy route for smuggling of weapons from Pacific-rim countries and drugs from Golden Triangle area. In this setting, securing its borders and making them impregnable should have been nation's prime security priority.

However, what we did was just the opposite. In 1984, Assam which was worst hit by the massive demographic invasion was taken out of the purview of Foreigners Act through enactment of Illegal Migrants Determination by Tribunal Act (IMDT Act). The Act facilitated uninterrupted illegal migration of Bangladeshis into Assam and, from there, to rest of the country.

The illegal immigration also provided an opportunity to jihadi terrorists to find easy access to India. These illegal immigrants were constituted into a major vote bank, a consideration which for

the Congress Party took precedence over national security interests.

Twenty-one years after this Act was passed, the Supreme Court in 2005 observed that it was "wholly unconstitutional and must be struck down." Calling it as an "aggression", it added that "the presence of such a large number of illegal migrants from Bangladesh, which runs into millions, is in fact an aggression on the state of Assam and has also contributed significantly in causing serious internal disturbances in the shape of insurgency of alarming proportions. The IMDT Act and Rules had been so made that innumerable and insurmountable difficulties are created in identification and deportation of the illegal migrants."

The serious security implications of millions of illegal immigrants settling down in a region, challenged by high internal and external threats was eclipsed by electoral considerations. More alarming was the fact that immediately after such a severe indictment by the Supreme Court, the UPA government issued the Foreigners Tribunal Order in February 2006, reintroducing the provisions of the IMDT Act through the back door. It took another Supreme Court intervention on a public interest litigation to strike down the order.

Political vision, bipartisan approach

There can no effective policy making in security matters unless those in power develop a political vision in which national security takes precedence over short-term political gains. In a competitive

electoral politics, this will entail pursuing a bipartisan approach so that the national interest does not become politically unaffordable. A political discourse at a higher plane among major political parties on critical security issues, including terrorism, would be necessary for achieving this objective.

Even in the settings where political will and vision exists, policy making does not accrue as an automatic by-product. It requires an institutionalised knowledge base, expertise both of the issues involved and the art of policy-making, the capacity to optimally leverage given constants and variables to nation's best advantage and a highly competent and committed civil service. The Indian security management system is deficient in this respect. Though there are individuals with high capabilities and commitments, but as a system, they are not able to achieve what the nation otherwise is capable of. This invites snide remarks of India being a "soft-state" implying that its policy-making and policy-executing capacities are disproportionately low to the sum total of its comprehensive state power.

Both policy-making and policy-execution in India is mired in a bureaucratic morass where there are more brakes than accelerators. Policy-making has to pass through cumbersome processes which are slow, militate against change, are fettered by antiquated rules and procedures whose rationale has long been lost, and is beleaguered by inter-department rivalries. Worst still, at different stages, it is handled by people who lack the required knowledge, skills and decision-making capabilities, and are not accountable. They are not stakeholders in the success or failure of policies, a burden that has to be borne by the executive agencies. They are safe as long as they do not violate rules and procedures.

While policy-making has evolved into a fine professional discipline changes have eluded the Indian system of governance. To compound matters, modern security issues are no more uni-dimensional in character and require multi-disciplinary understanding and application. For instance, tackling of terrorism in India would require a sound understanding of plans and strategies of neighbouring countries sponsoring terrorism, the nuances of their intricate politico-strategic relations with India, the ideological and collaborative linkages of terrorist groups, inter- and intra-group relationships, tactics and technology of modern-day terrorists, and an understanding of centre-state relations and legal frameworks, to name just a few.

Moreover, there is a plethora of knowledge and

ideas outside the government which should be factored in imaginatively for good policy-making. In a democracy this should further include trends in public thinking, views of political rivals and interest groups, opinions of think tanks and such-like. With the declining standards of governance, a perceptible decline in these capabilities is discernible at a time when security challenges have become most acute.

A federal fix

The second challenge to counter-terrorist policy-making emanates from the structural architecture of India's legal-constitutional framework itself. When designed, it did not foresee the type of complex internal security problems, like terrorism, emerging with trans-national and inter-state con-

Those in power must develop a political vision in which national security takes precedence over short-term political gains. This calls for a bipartisan approach so that the national interest does not become politically unaffordable.

nectivities. With wars increasingly becoming cost ineffective and unpredictable instruments of achieving politico-strategic objectives, the modern world is witnessing emergence of fourth generation warfare—where the enemy is 'invisible'—as a substitute. Even the small and weaker states can take on their more powerful adversaries in this asymmetric warfare which largely targets internal security, with terrorism as its most favoured weapon. India has been witnessing the Pakistani onslaught of covert action now for nearly three decades.

In India, while national security, including internal security, is the responsibility of the Centre, most of the instruments—like powers to maintain law and order, the criminal administration system, police and prisons—are controlled by the constituent states. The states, keen to preserve their turf and apprehensive of the central government's political interference are unwilling to provide any space to the Centre that could empower it to take direct action in security related matters. This renders the task of a holistic tackling of internal security threats difficult.

While the states lack capabilities to cope with these threats on their own they are unwilling to allow any direct intervention by the Centre. This

seriously limits the Centre's ability to formulate, execute, monitor and resource national counter terrorist policies in an effective and comprehensive manner. In this setting while the Centre's actions get confined to dishing out advisories, apprising the states of the threats in a generic way and providing funds for capacity building, the states operate in a tactical mode aimed at maintaining the law and order. This leaves little scope and space for formulating comprehensive national level counter-terrorist policies. To make the matters worse, at times, the Centre sees even the bonafide requests of the states through a political prism undermining their genuine efforts towards capacity build-

While the states lack capabilities to cope with these threats on their own they are unwilling to allow any direct intervention by the Centre. This seriously limits the Centre's ability to formulate, execute, monitor and resource national counter terrorist policies in an effective and comprehensive manner.

ing. The Centre's refusal for over four years to clear the state legislations against organised crimes in Gujarat and some other BJP ruled states is illustrative. Incidentally, the draft Acts sent by them for approval was similar to an Act that exists in Maharashtra, a Congress-ruled state.

Framing the counter-terrorism problem

Thirdly, the very nature of the terrorist phenomenon makes policy-making difficult. The first task of policy making is defining the objectives in tangible and positive terms that are sought to be achieved. But in fighting terrorism, the state largely achieve negative goals—preventing what the terrorists wish to do from happening. This list may include for instance, averting dismemberment or degradation of the state, preventing breakdown of the constitutional machinery, frustrating terrorist plans to kill citizens and their leader, and

striking at vital installations. It will appear ridiculous for a government to claim all that has not happened as the list of their achievements. Success can not be computed on the basis of political goals denied, the innocent citizens who the terrorists could not kill, the leaders who were not attacked and vital installations which the terrorists wanted to destroy but could not.

Terrorist don't kill in the hope that their depredations will lead to attainment of their political goals, they kill to break the will of the government. Correlation between the policy initiatives taken by the government and their real impact on terrorism is also vague, diffused and a matter of subjective interpretation. For example, the efficacy of counter-terrorist laws, structural changes in the security apparatus, role of diplomatic initiatives, political engagement are all difficult to determine, at least in a short run. This provides scope for political decision-makers to take positions on political considerations as there are no clear policy rights and wrongs in the battle against terrorists.

The impediments and problems notwithstanding, gravity of the threat and its grave implications for India's security demand a policy-driven comprehensive national response. To make it happen there is a need for the two major political parties to develop a bipartisan approach towards response to terrorism. These parties should also take upon themselves the responsibility of convincing the state governments where they are in power to support legislative measures that could enable the Centre to play a more active role in handling terrorism and allied threats. A serious national debate was already overdue before November 26th, 2008. It has become vital now.

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COUNTER-TERRORISM

Don't blame the constitution

The central government is not impaired from acting against terrorism

VIVEK REDDY

AFTER THE Mumbai carnage, the Prime Minister has finally announced that a federal investigative agency to deal with terrorism will be established. The UPA government has cited the Indian constitution as the only obstacle for the creation of such a national agency. The government asserts that since the entries “police” and “public order” are in the State List of the Indian constitution, the centre cannot create a national agency to deal with acts of terror without amending the constitution.

Even the Leader of the Opposition agrees. In his autobiography, *My Country, My Life*, L K Advani asserts that we must liberate ourselves from the “law and order” mindset and only a constitutional amendment would allow the centre to deal with federal crimes like terrorism. This approach underestimates the constitutional powers given to the Union government. Although India is federal in structure, it has a strong unitary bias in favour of the centre. There are three distinct constitutional sources of power which would enable the Centre to create a national agency to deal with terrorism.

First, although the Indian constitution has cre-

ated a list in the Seventh Schedule which can be legislated exclusively by the state government, it also confers certain “superior legislative powers” on parliament to make inroads into the exclusive domain of the state government. One such “supe-

The government asserts that since the entries “police” and “public order” are in the State List of the Indian constitution, the centre cannot create a national agency to deal with acts of terror without amending the constitution.

rior legislative power” arises in the context of an international treaty or resolution. Article 253 enables Parliament to make a law for the whole or any part of India to implement “any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body”, even

if the subject matter of the law forms part of the State List. The Government of India has entered into numerous multilateral and regional treaties on terrorism and was a party to several United Nations resolutions and decisions taken at international conferences condemning terrorism and resolving itself along with other countries to punish acts of terror. The UN General Assembly Resolution on "Measures to eliminate international terrorism", December 1994 has urged all states "to take all appropriate measures at the national and international levels to eliminate terrorism." The International Convention on the Suppression of Terrorist Bombings, December 1997 criminalises an act of using a lethal or explosive device to cause physical or economic injury and obligates states to take measures to deal with terrorist bombings. Pursuant to these treaties and resolutions, parlia-

tre can create a national agency which can investigate acts of terror by focusing on the use of arms and explosives, even if this intrudes into the state domain of maintaining "public order".

Third, our constitution was drafted on the assumption that law and order would be handled by the state and external defence would be handled by the Union. But inter-state and inter-country crimes do not fit into this neat bifurcation since the place where the criminal plan is hatched, prepared, financed and executed do not fall within one state and even within one country. This is a challenge for the investigating authorities since the state legislatures are constitutionally precluded from passing a law which would be effective beyond the state boundaries. But parliament suffers from no such impediment. A law passed by Parliament cannot be challenged even if it operates outside the country (Article 245). Therefore, inter-state crimes would not and cannot fall within exclusive legislative power of the state. Since there is no other entry in the Seventh Schedule in the constitution, it would necessarily come within the ambit of the residuary power. Unlike the American constitution, the residuary power to frame laws with respect to matters not enumerated in the Seventh Schedule in India has been assigned to the centre instead of the states (Article 248). The parliament can certainly invoke this residuary power to create a federal agency to investigate and prosecute inter-state crimes like terrorist acts.

The constitution is certainly not an obstacle to deal with terrorism. And on the contrary, it makes a categorical declaration in Article 355 that it shall be the "duty of the Union to protect every State against external aggression and internal disturbance." Despite such explicit constitutional power conferred on the centre, the centre still cites the constitution as an excuse to deal with terrorism. It is no small irony that the UPA government does not feel any constitutional constraint when it comes to invoking Article 356, but suddenly develops a respect for the federal character when it comes to dealing with terrorism. Constitutional modesty is not a desirable virtue when the security of the country is at peril.

Despite explicit constitutional power conferred on the centre, the centre still cites the constitution as an excuse to deal with terrorism.

ment can invoke its superior and overriding legislative power under Article 253 to pass a law punishing acts of terror and create a national agency to deal with acts of terror, even though it intrudes into the State List. A Constitution Bench of Supreme Court way back in 1969 in *Maganbhai v. Union of India* has categorically ruled that a parliamentary law pursuant to an international treaty cannot be challenged even though it intrudes into the exclusive legislative domain of the states.

Second, the centre can also create a national anti-terror agency without invoking its superior legislative power. With some creative constitutional thinking, the centre can use its existing powers to create this institution. The constitution confers exclusive legislative domain on the centre with respect to "Arms, firearms, ammunition and explosives". Since every terrorist act involves these lethal devices, the centre can create an anti-terror agency to investigate and regulate the unlawful use of these devices. The Supreme Court of India has invoked the Doctrine of Pith and Substance while interpreting legislative entries. This doctrine mandates that as long as the essence of the law can be traced back to a legislative entry on which parliament can legislate, it should be upheld even if it incidentally encroaches on the State List. The cen-

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INDIA-US RELATIONS

Anticipating Obama

India-US relations under the new administration

DHRUVA JAISHANKAR

BARACK OBAMA inevitably conjures up extreme reactions. For international relations liberals in the United States and elsewhere, his election provides instant relief from the diabolic machinations of the George W Bush administration, all but assuring benefits to international peace, the global economy and the climate. Favourable comparisons with Franklin Roosevelt and John F Kennedy abound, to the point of becoming cliché. In stark opposition to President Bush, Mr Obama is touted as open-minded, respectful and cosmopolitan, a natural diplomat-in-chief.

In contrast, the president-elect is portrayed by his sharpest detractors—relegated, now, to a small coterie—as a danger to the future of the United States and the global economy; essentially, a naïf, an appeaser and a protectionist. In India, the policy elites have drummed up fears of a return to the bad old days pre-dating Bush's ten-

ure, when the United States mostly ignored India, remembering only to lecture it on non-proliferation, Kashmir and HIV / AIDS.

Both extreme characterisations are naturally caricatures. The general consensus in Washington is that Mr Obama is likely to be a pragmatist, although not by any means a realist. It would be tempting, given President Bush's abysmal popularity ratings, for Mr Obama to adopt an 'Anything But Bush' policy, comprehensively rejecting his predecessor's agenda in a manner reminiscent of the 'Anything But Clinton' strategy of the Bush administration's first year. Rather, like the metaphorical baby and bath-water, one of the direst results of a comprehensive rejection of all things Bush would be a major setback in US-India relations.

Such a radical turnaround in policy towards India is unlikely for several reasons. At one level, there is a clear recognition on the part of Mr

Obama and his key foreign policy advisers that India is a rising power, and that the strategic partnership between the United States and India has great potential. Mr Obama's stated desire for bipartisanism in foreign policy could also mitigate a reactionary approach. While much can be parsed from the statements of Mr Obama and his key advisers, his platform with respect to India is not yet set in stone: the president-elect is still being briefed by US intelligence, his administration has not yet tested the resistance offered by agency bureaucracies, nor has he felt the structural limitations imposed by the international system on American foreign policy. There is also the question of personal dynamics; the appointment of the specific individuals to key national security positions could alter the tenor of the US-India relationship, for better or for worse.

At the same time, there are several reasons to expect a period of cooling in bilateral ties. With the exception of the US-led wars in Iraq and Afghanistan, foreign policy in general is unlikely to be a high priority for the next administration, and within foreign policy, India is unlikely to feature

Obama's think tank appears not to have adopted a strategic vision of the US-India relationship. This means each measure—every arms transaction, every dialogue, every trade agreement—will be treated on its own merits, and not as part of a coherent whole.

in the first, or even second tier of priorities. In addition, the Obama campaign's policy team on South Asia was remarkably thin on India-specific expertise, with the larger number of Pakistan and Afghanistan experts somewhat indicative of where the emphasis was being placed in the region. Most disconcertingly, however, Mr Obama's think tank appears not to have adopted a strategic vision of the US-India relationship. This means each measure—every arms transaction, every dialogue, every trade agreement—will be treated on its own merits, not as part of a coherent whole.

While Mr Obama is by no means anti-Indian, there are several other reasons for India to be wary of his global agenda. First, he has given off mixed signals concerning his commitment to the global flow of goods and capital. On the one hand, he has often described himself as an ardent supporter of globalisation, and appointed cen-

trists to key positions in his campaign and transition economic teams. At the same time, he has been critical of both outsourcing and free trade agreements. While some of this (such as his attacks on NAFTA) can be attributed to what Mr Obama admitted was "overheated" campaign rhetoric, his Senate record on these matters hardly inspires confidence, particularly his publicly-articulated concerns regarding pending free trade agreements with Colombia and South Korea. With US-India bilateral trade and investment still nowhere near its potential, Mr Obama's ambiguity might not bode well for India Inc.

Second, the burgeoning US-India strategic partnership under Mr Obama will be based, in part, on the prisms of third countries. Chief among these is China, where his advisers have indicated broad continuity with the Bush administration's approach of hedging. Obama's willingness to talk to Iran—despite the concerns of several domestic constituencies—is another welcome sign for New Delhi, as is his rejection of John McCain's bellicosity towards Russia. Yet it remains unclear how an Obama administration is likely to approach the thorny issue of Pakistan, especially given its certain prioritisation of the war in Afghanistan. The liberal interventionist leanings of some of Obama's advisory corps could also accentuate conflicting positions between the United States and India on Myanmar.

In the context of strategic ties, renewed diplomatic interventionism on Kashmir remains another significant worry, having already received considerable attention in the Indian media. The theory of a Kashmir solution increasing Pakistan's ability to fight militancy on its North-west frontier has clearly filtered up to Mr Obama himself, and to the wider Democratic foreign policy community. The focus on Kashmir seem to reflect the Obama team's obsession with terrorism in Pakistan's as the most significant regional security issue, trumping all others. [See next article]

Climate change, which is a clear priority for the Democrats, may prove another area of disagreement between the United States and India in the next four years. India has been enthusiastic about harnessing technological advancements to curb carbon emissions, but is loath to commit to a verifiable regime that places a strict caps, viewing it as a limitation to the country's development. Mr Obama, meanwhile, is likely to pursue exactly that, having indicated that climate change will be one of his administration's highest priorities.

Finally, despite the culmination of the US-India nuclear agreement in October, non-proliferation will likely continue to bedevil the

US-India relationship. Fears in some quarters that an Obama administration might attempt to reverse the nuclear agreement have been exaggerated. Although Mr Obama and his advisers share scruples about the agreement, the costs of rebottling the genie unleashed by the Nuclear Suppliers Group's unanimous exemption for India will be too high to overturn. However Mr Obama, with the co-operation of the Democratic leadership in Congress, is likely to push for the United States' ratification of the Comprehensive Test Ban Treaty, which will place increased pressure on India to sign. More critically, Mr Obama may attempt to initiate negotiations towards a global, verifiable fissile material cut-off, something which the Indian government will almost certainly oppose.

US-India interactions over the past decade have provided a fascinating, and possibly unique, spectacle in recent international politics. Two large, vibrant democracies with frequently over-

lapping interests have been attempting to forge a co-operative relationship. The key actors in both states appreciate the goal of a mutually-beneficial partnership, and have also identified the broad areas for potential co-operation. The real debate—within both countries and between them—has been upon what terms that relationship should be formed. Should India acquiesce to US-sponsored international norms and institutions? Or does India's size and allure mean that it deserves special treatment from Washington? In other words, how badly does each side need the other, and how far is each willing to go to realise their partnership? Barack Obama's election adds a new chapter to the manoeuvring between the two states, one in which the expectation by the United States will be on India to meet it more than halfway.

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GLOBAL TERRORISM

The problem is in Pakistan, not Kashmir

The “solve Kashmir to solve Afghanistan” idea is an old red herring

SUSHANT K SINGH

A FEW days before he won the 2008 US presidential elections, Barack Obama raised not a few hackles in the subcontinent by revealing that he considered appointing Bill Clinton as a special envoy on Kashmir. After it emerged that Hillary Clinton is the front-runner for the office of secretary of state, Henry Kissinger dismissed the idea of Mr Clinton's appointment saying “there is a limit to the number of Clintons you can appoint” at one time.

Now, key officials of the Bush administration—from the defence secretary to the intelligence chief—not to mention Mr Obama himself, have identified Afghanistan and Pakistan as their top-most priority. However some commentators have tried to deflect the attention from the real issue—Pakistan's reluctance to act against jihadi militants—by dragging Kashmir and imaginary fears of Indian aggression into the debate. The terrorist attacks on Mumbai put paid to this theory by demonstrating how it is the jihadis that are the true cause of Pakistan's insecurities.

In a report published in early November, the

Center for American Progress (CAP), a think-tank headed by John Podesta, co-chairman of the Obama transition team, contends that “any regional approach must address Pakistan's security concerns with India, specifically related to Kashmir and Afghanistan.” This argument is only partially true: it rightly holds that the cause of instability in Afghanistan is in Pakistan. But the implied corollary that Pakistan needs jihadis to ameliorate its military handicap vis-a-vis India is fallacious.

Pakistani Army's relationship with the jihadis

The root cause of Pakistan's indifference to fighting terror is not India, but the institutional interests of the Pakistani military establishment. The Pakistani army is unwilling to take on Islamic militant groups because they have been used to wage proxy wars against India and Afghanistan. The incontrovertible proof of an ISI hand in the bombing of Indian embassy in Kabul, where the Karzai government is perceived to be close to New Delhi, is testimony to Pakistani army's belief that it can



Photo: Keith D McGrew/US Army

get away with the use of Islamic terrorists for political and diplomatic purposes.

The relationship with the Taliban is part of the Pakistani military establishment's "strategic games." The military brass remains obsessed with the prospect of Indian domination of Afghanistan should US and NATO forces leave the country. The Taliban are seen as a counterweight to Indian influence and Pakistan wants to hedge its options by turning a blind eye towards the jihadi elements. The Pakistan military establishment nurtured this relationship with the jihadis believing that it can manage the militants, but numerous terrorist incidents targeting the armed forces after the storming of Islamabad's Lal Masjid in 2007 suggest that this belief is misplaced. Yet, the feeling in the army's officer corps, as in the rank-and-file, is to rationalise the jihadi fury as wages of Pakistan's relationship with the US.

Another reason for the tacit Pakistani support to Islamic militants is to play up the threat of Taliban and other jihadi elements for financial gains. This allows the Pakistani military to garner billions of dollars in aid, part of which is then used to improve conventional military capabilities. The US Congressional Research Service has noted with concern that "a lot of the military assistance has been much more useful for a potential war with India." A CAP report of July 2008 has assessed that 70 percent of US military aid has been "misspent" on purchasing systems that are inappropriate for the counterinsurgency struggle.

Indeed, if it panders to purported Pakistani concerns over Kashmir and India, the Obama administration would legitimise, sanction and promote the fraternising of an already radicalised Pakistani army with Islamic militants. On the contrary, the United States should focus on disabusing

Islamabad of its use of terrorism as a diplomatic and military tool. Pakistani society is already beginning to be convinced about the dangers of continuing with this dangerous liaison. This is a welcome development that both the Obama administration and the next Indian government should seek to reinforce.

An Islamised and unprofessional army

Many Western experts have been taken in by the portrayal of the Pakistani army as a modern and professional force. This is no longer the case, with the growing Islamisation of its rank and file. This religious indoctrination of the officers and soldiers, which metastasised in the Zia-ul-Haq era, can be forcefully leveraged by the military leadership against its "Hindu" enemy, India. However the senior Pakistani military leadership, despite under tremendous pressure from the United States, finds it difficult to mobilise the army and ISI to act against the Taliban and other Islamic militants inside the country.

The Pakistani army has lost every single war it has ever fought, and, in periods of military rule, its record has been far from glorious. Moreover, the Pakistani army isn't trained for counterinsurgency operations. Its record in the counterinsurgency operations in tribal areas since 2004 has been pathetic. Indeed, the Pakistani army views the battles it is fighting against the extremists very differently from Western strategists and policy-makers—with the sole aim to do as little as possible—only to maintain its primacy as the premier instrument of the state and to secure its own political and economic interests.

The incoming Democratic administration must recognise the fundamental truth that even if the Pakistani army somehow miraculously generates the intention to take on the Islamic insurgents inside its own borders, it no longer has the capability to undertake effective counterinsurgency operations. Thus the expediency of placating the Pakistani army to meet short-term security goals, as opposed to the long-term plans for strengthening Pakistani society, polity and economy, is deeply flawed and a recipe for another US foreign policy disaster.

The long-term goal of Obama administration to transform Pakistan into a modern, democratic state can only begin with an unconditional disowning of jihadis, religious fundamentalism, commercial interests and political overreach by the Pakistani army. In their present state, neither the Pakistani army in general nor the ISI in particular can be a part of any viable short-term or medium-term solution, whereas a long-term solution is

largely about dismantling and then recreating these institutions from scratch.

MD Nalapat, professor of geopolitics at Manipal University, rightly suggests that despite the obvious history, the Pakistan army's desires have been once again sought to be equated with the needs of the entire nation. What the army seeks and what Pakistan needs are totally different. This hyphenation of the army with the people of Pakistan is the source of many a flawed policy. The incoming Obama administration must recognise and stay away from this fundamental fallacy.

Afghanistan, not Kashmir

The contention that Kashmir lies at the 'core of Pakistani nationhood' and the Pakistani army will brook no changes is an overused notion that has been carried over from the previous century. It has little significance in the geopolitics of the twenty-first century and the existing ground realities.

Many previous Democratic administrations have tried to draw comparisons between Kashmir and the Middle East or Northern Ireland peace processes. These parallels are not apt as today, neither India nor Pakistan desire outside intervention. In fact, substantial progress has been made in recent years as a result of bilateral negotiations—the current back-channel negotiations between India and Pakistan are the first since 1962-63. A US intervention will rapidly shrink the domestic political space for India in its negotiations with Kashmiri political leaders. In fact, perceptions of US prodding could well vitiate the entire spectrum of India-US exchanges, to the detriment of both sides.

The fact is that Kashmir is no longer the epicentre of instability in South Asia. The successful conduct of assembly elections in Kashmir against the calls of the separatists is a sign of normalcy that US officials in charge of Iraq and Afghanistan would perhaps give their right arm for. Militancy and infiltration figures have dipped in the state, the ceasefire is holding and initiatives to soften borders in Kashmir by facilitating cross-border trade and movement are gaining greater traction.

There is a risk that all these gains will be lost if the new US administration shifts its focus from Afghanistan to Kashmir. Hopes of US incentives being offered on Kashmir are bound to encourage the Pakistan army to harden its stance against the current peace process with India. It will result in the Pakistani army and its jihadis cohorts controlling developments on both fronts—Afghanistan and Kashmir.

Another related idea that has been recently doing the rounds is to assuage Pakistani fears by

garnering an Indian security guarantee underwritten by the United States. Yet, a better guarantee already exists, implicitly in the deterrence provided by the nuclear weapons. The idea that Pakistani army is unable to focus on insurgency due to threats of an Indian aggression is absurd when there are nuclear weapons on both sides.

A security guarantee causes a moral hazard problem. It encourages the Pakistani army to undertake another misadventure against India in Kashmir, just as a perceived guarantee of international intervention factored in Pakistan's initiation of wars against India in 1965, 1971 and 1999. The same was at play during the recent Georgia-Russia conflict, which was instigated by the Georgians acting under the assumption of NATO or EU security guarantees.

Despite the obvious history, the Pakistan army's desires once again sought to be equated with the needs of the entire nation. What the army seeks and what Pakistan needs are totally different. This hyphenation of the army with the people of Pakistan is the source of many a flawed policy.

The road ahead

To succeed in Afghanistan, the Obama administration must initiate and see through a comprehensive reform of Pakistani army. The economic and development assistance plan, under the Biden plan, will be effective only if it is tied to this goal. Otherwise, as Jim Hoagland put it, it will merely amount to "dropping cash from helicopters."

An objective reading of the subcontinent's geopolitical reality suggests that Indian and US interests are closely aligned over Afghanistan. The Obama administration should court greater Indian support in Afghanistan, including facilitation of a co-operative relationship with Iran (which provides an alternative land corridor to Afghanistan). Kashmir is a red herring which could derail an emerging India-US strategic partnership. Finally, if the US does not keep India on its side in Afghanistan, then who has it left?

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NUCLEAR ENERGY

Joining the nuclear renaissance

How it looks to a man from Mars

DANYURMAN

IN OCTOBER 2008 India's relationship with the global nuclear industry changed fundamentally after the Nuclear Suppliers Group (NSG), the international body that controls commerce in uranium for nuclear reactors, agreed for the first time to allow India to acquire nuclear fuel for its civilian reactors. In a closely linked event, the US Senate voted 86-13 to allow US firms to export nuclear fuel and technology to India.

These two events have created tremendous opportunities for India to open the door to international investments in new nuclear energy infrastructure. Building a nuclear energy industry in India to support 20-40 GW of new power over the next two to three decades will take every bit of ingenuity and wisdom the nation can muster. It's more than a moon shot. It is a trip to Mars.

Until October, India had lived for more than three decades outside the Nuclear Non-proliferation Treaty (NPT). This status severely limited its ability to get nuclear fuel for its installed base of less than 4 GW of nuclear power. None of its plants are larger than 500 MW, all are older and less efficient than current designs, and some have operated at half capacity, or even closed down, due to fuel shortages.

On a recent visit to India, Hugh MacDiarmid, chief executive officer of AECL, a Canadian nuclear technology company, told the *Globe & Mail* that India's history of isolation meant it has not kept pace with western nuclear technology. India has also paid a price with rapid increases in fossil fueled plants and accompanying air pollution as well as greenhouse gases.

The nuclear renaissance

What will India's nuclear energy program look like a decade from now and what must it do to capitalise on tremendous opportunities to build and operate a dozen or more new nuclear power plants? To answer this question, it is useful to take the point of view of a metaphorical 'Man from Mars'.

The first thing he will see is that there has been a world-wide nuclear renaissance in which countries as close as China and as far away as the United States are reviving the nuclear energy industry as an answer to the global warming crisis.

For instance, in the past year China has signed deals for two giant Areva European Pressurised Reactors (EPRs), four Westinghouse AP1000 Pressurised Water Reactors (PWRs) and two new reactors of Russian design. It has also built new capabilities in uranium enrichment and developed plans for spent fuel reprocessing.

In the United States there has been a rush of applications for licenses at the Nuclear Regulatory Commission for projects worth at least \$120 billion. In Europe two 1,600 MW Areva EPRs are under construction with one, the plant at Flamanville, scheduled to enter revenue service in 2012.

The Man from Mars may conclude that India is now ready to join this renaissance.

Sceptics warn of 'hype' about nuclear energy

Not everyone agrees with that this rosy view applies to India's case. Michael Krepon of the Henry Stimson Center, a US non-proliferation think tank believes that the promise of big dollars for new nuclear power stations is "pure fantasy." Brahma Chellaney, a professor of strategic studies at the New Delhi Centre for Policy Research agrees, believing that "from a commercial energy standpoint,...will turn out to be more hype than reality."

Full steam ahead for a fresh start

How would our Man from Mars apply these conflicting observations to India? Is it just hype? For India, now that the doors to uranium imports have been flung open, the country is likely to push full steam ahead to join the global nuclear renaissance to power its economy and reduce its greenhouse gas emissions. Looking at India's small, fragmented, and government-controlled nuclear energy industry, the key question is, "what must India do to get a fresh start with nuclear energy?"

According to an October 2008 assessment at the World Nuclear Organisation, India has set a nuclear power development target of 40 GW over the next several decades. To achieve this objective, the

Man from Mars would set out the following agenda:

Nuclear reactors. To get to 40 GW of nuclear power over the next 40 years, India could take a page from China's playbook. It could negotiate with international reactor vendors to transfer design information, via licensing and fee payments, to develop an indigenous reactor. Both Westinghouse and Areva have made deals with China, to varying degrees, along these lines. China is developing a localised design of the Westinghouse AP1000.

A standard design of 1,000 MW for India will yield huge efficiencies in terms of quickly training a workforce, maintenance, and most importantly, construction of economies of scale for long lead time reactor components. A standard design will also lower the cost per unit after the first two or three are built as a result of on-the-job learning that will take place with engineering procurement contractors. For an example of how this works, India should study Southwest Airlines in its singu-

India's entry into the global nuclear renaissance is certainly a big deal. But the challenges and opportunities that await the nation will take decades to work themselves out.

lar use of the Boeing 737 aircraft for all revenue service.

Nuclear fuel. One of the chief concerns of the NSG is that India not develop domestic uranium enrichment capabilities because of the obvious implications for destabilising its relationships with Pakistan and China. It is also a concern for the precedent it would set with the West in attempting to control Iran's rush to develop nuclear weapons. India will need to import finished nuclear fuel for the current and future nuclear reactors that it assigns for civilian use. This will be costly, but there is a way to pay for it from the back end of the nuclear fuel cycle.

Trained workforce. It takes time to train nuclear reactor operators. It takes even more time to train nuclear engineers. One of the strategies adopted by South Africa in its drive for a new nuclear build of 20 GW is that it is requiring international reactor vendors bidding on these contracts to include in their bids training of local workers to build and

operate the plants. India could take a page from South Africa's playbook.

Spent fuel management. Spent fuel contains more than 90 percent of the original energy value of the original fuel bundles. It is a valuable resource. The potential solution for India to manage spent fuel is to sell it for reprocessing to France or Japan to be made into mixed oxide (MOX) fuel. It can then be burned in any of the more than two dozen reactors that are licensed to use it worldwide.

The revenue from these sales will help pay for import of nuclear fuel. Also, it avoids proliferation issues by getting spent fuel, with its small amounts of plutonium, out of the country just as quickly as it can cool off and be moved from wet to dry storage.

India can reduce the costs of its requirements for enriched uranium by capitalising on the revenue potential of its spent nuclear fuel. It can retrograde it for reprocessing to a contractor in another country. International Atomic Energy Agency (IAEA) inspections would account for all inventory as a confidence building measure.

It's not all roses

There are plenty of stumbling blocks that could stop any of these initiatives dead in their tracks. Oxford Analytica, a London-based consulting firm, in a paper published in October 2008 titled "Trouble Awaits Nuclear Investors," raised four key issues.

Economics. In the short term, gas plants are more attractive than nuclear reactors. The gas plants burn cleaner than coal, are a lot cheaper to build, and are much faster to generate a profit for investors. India will therefore have to develop loan guarantees to attract foreign direct investment for new nuclear power plants and also guarantee long-term deals for profitable rates-of-return for the utilities that operate them.

Foreign direct investment. India will have to change its legal foundation for development of new nuclear power plants to authorise foreign direct investment in them as well as allow private firms to build and operate nuclear power plants. Consortia of domestic and international firms will not develop new plants if India's government retains a statutory monopoly on development of new nuclear energy projects. Resolutions of indemnification issues will also have to be placed on the front burner for government policy action.

Fuel supply. There can be no doubt India would find itself at risk of being permanently embargoed from acquiring nuclear fuel and technology if it sets off a test of a nuclear device regardless of alleged necessity for deterrence relative to its rela-

tions with Pakistan or China. India cannot reasonably contemplate development in the near-term of domestic capabilities for uranium enrichment nor spent fuel reprocessing.

Politics & economics. An energetic environmental movement in India could mobilise to stop new nuclear power projects. Class warfare over windfalls and wipe-outs resulting from locating new plants could arise similar to the issues faced by Tata Nano. India will have to develop methods of gaining political acceptance for selecting sites

Are there small reactors in India's future?

Smaller reactor designs in the range of 100-300 MW, are obvious candidates for nations that don't have the billions for large units and want to rapidly provide electrical power to rural areas. India's economic geography and electricity transmission grid make it a candidate market for small reactors. Assuming that the costs for a 100 MW light water reactor (LWR) unit's components are similar to a big one, \$2,000/KW puts a 45 MW nuclear energy unit in a price range of \$90 million. That's enough energy for 135,000 people in India. Ten of them in a resilient transmission and distribution network could supply most of the electricity needs of an entire city.

Several designs in addition to conventional LWR technology include nuclear batteries from Toshiba and Hyperion with refuelling cycles of 10-20 years are on the horizon. South Africa's Pebble Bed design might also be of interest, but all of these radical new designs have yet to be licensed by any nation or proven in the commercial world. By 2015 these designs could achieve both objectives, and be ready for commercial off-the-shelf installation.

Advocates of small reactors point out that these plants, regardless of design, can be built in resilient networks, positioned like cell towers, but in an electrical grid. If one unit goes offline, the entire network does not shut down. On the other hand, a 1,000 MW unit has an all or nothing impact on a transmission and distribution network. Another benefit of smaller units is that they need less transmission infrastructure to reach nearby customers.

Taken together there may be opportunities for India to explore acquisition of small, easy to maintain, networks of reactors for a variety of civilian applications including process heat for industry such as oil & gas, chemical manufacturing, and food processing.

for new nuclear power plants and sharing the benefits of electricity generation across the social and economic spectrum.

There are undoubtedly other significant barriers, but these issues will likely make anyone's short list. India will need to address them, and soon, to move quickly down the road toward its goals.

On the road to a renaissance

To its credit India's political leadership has wasted no time hitting the road to promote co-operation for nuclear infrastructure development. India has signed bilateral agreements with France, Russia, and other nations, and held talks to buy uranium from diverse nations including South Africa and Brazil.

In the United States, Westinghouse has mentioned that it hopes to sell \$5-7 billion in nuclear fuel, components, and services to India in the near term. In November, India closed a deal with Russia's RosAtom to build four 1,000 MW Water-Water Energetic Reactors (WWER/VVER) reactors at Kudankulam.

Also in November, a high level US delegation including US Nuclear Regulatory Commission Chairman Dale Klein, met the Prime Minister's special envoy Shyam Saran. Mr Klein also met members of India's nuclear establishment and

committed to quick reviews of applications for export licenses from US nuclear firms seeking to do business in India.

An American trade delegation is planning a trip in December in pursuit of \$175 billion in new nuclear business over the next two decades. Ron Somers, the group's director, believes that India's entry into the nuclear renaissance, "is one of those historic, important, tectonic shifts in relations with another country."

India's entry into the global nuclear renaissance is certainly a big deal. But the challenges and opportunities that await the nation will take decades to work themselves out.

Politicians are well known for visions limited to the next election, while the nation building program for nuclear energy could span more than one lifetime. The hope is India will have a few Men from Mars coming around to keep things on track. The last advice the 'Man from Mars' has for India is: "Don't try to do everything yourself. Get help from the global nuclear industry. Use it wisely, and use it in peace."

Dan Yurman blogs on nuclear energy at *Idaho Samizdat* (djysrv.blogspot.com) and has extensively covered the NSG's deliberations on India's nuclear programme.

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DEFENCE

On using the final argument

Cultivating the diplomacy of violence

HARSHV PANT

AFTER RESCUING two merchant vessels on high seas from pirates off the coast of Somalia last month, the Indian Navy decided to take piracy in international waters head-on and sunk a vessel that turned out to be a Thai fishing trawler that had been hijacked. Despite this unfortunate incident, it is clear that maritime powers across the world are now looking at taking a more pro-active role in managing the global waters and India will have to continue with the aggressive posture. That finally Indian naval forces are now operating in the Gulf of Aden, however, is less a testament to Indian government's strategic assessment of the uses to which the Indian armed forces could be put to than it is to the lack of choice that it faces in this realm. It has become India's signature that it does not make a decision until it is almost too late.

The hijacking of ship *MV Stolt Valor* with 18 Indians abroad underlined the need for a proactive stance by the Indian Navy in protecting India's sea-borne trade as well as deterring piracy alongside other navies deployed in this crucial region. But for long the Indian government continued to make a show of its usual dithering. The Defence Minister explicitly ruled out hot pursuit of pirates "as a policy" because "it has wider implications." After having finally decided to send its naval warships to the Gulf of Aden, it is to be hoped that Indian political and military leadership will now evolve coherent policy towards the use of force in securing Indian economic and strategic interests.

There is a broader issue at stake. India is increasingly being perceived as a global player, a power whose military capabilities are expanding and which has always had highly professional armed forces well-ensconced in a liberal democratic polity. A rapidly growing economy has given India the ability to spend on its defence readiness like never before. India has emerged as one of the largest arms buyers in the global market in the last few years. In line with India's broadening strategic horizons, its military acquisitions are seeing a marked shift from conventional land-



In addition to kind words

based systems to means of power projection such as airborne refuelling systems and long-range missiles. But it remains unclear under what conditions India would be willing to use force in defending its interests.

This question needs some immediate answers and the nation's civilian and military leaderships have let the nation down by not articulating a vision for the use of Indian military assets. If at all some suggestions are being made, they have verged on being facile. For example, ruling out sending of troops to Afghanistan, the army chief had suggested that "India takes part only in UN approved and sanctioned military operations, and (since) the UN has not mandated this action in Afghanistan so there is no question of India participating in it." Such displays of lack of appreciation of underlying international politics make it easier for the Indian government to ignore the military leadership when making decisions. The army chief's statement demonstrated a fundamental misreading of Indian security policy.

Much like other nations, India has tended to accept or ignore the United Nations as per the demands of its vital national interests. India cannot cede authority to international organisations as ineffective as the UN on matters of national security and if history is any guide India has done ex-

actly that.

However, the Indian leadership has in recent times given an impression that the role it sees for India in global security is not shaped by its own assessment of its interests and values but rather by the judgements of global institutions like the UN. The Indian armed forces remain concerned with China and Pakistan while the civilian leadership lacks any substantive and sophisticated understanding of the role of force in foreign and security policy.

Military power, more often than not, affects the success with which other instruments of statecraft are employed as it always lurks in the background of inter-state relations, even when nations are at peace with each other. Military power remains central to the course of international politics as force retains its role as the final arbiter among states in an anarchical international system. States may not always need to resort to the actual use of force but military power vitally affects the manner in which states deal with each other even during peace time despite what the protagonists of globalisation and international institutions might claim.

A state's diplomatic posture will lack effectiveness if it is not backed by a credible military posture. In the words of Thomas Schelling, "Like the threat of a strike in industrial relations, the threat of divorce in a family dispute, or the threat of bolting the party at a political convention, the threat of violence continuously circumscribes international politics." Even in the age of nuclear weapons, contrary to suggestions in some quarters that the utility of force has declined, military strategy has merely morphed into the art of coercion, of intimidation, a contest of nerves and risk-taking and what has been termed as "the diplomacy of violence."

Such diplomacy of violence, however, has been systematically factored out of Indian foreign policy and national security matrix with the resulting ambiguity about India's ability to withstand major threats of the future. Few nations face the kind of security challenges that confront India. Yet, since independence, military power was never seen as a central instrument in the achievement of Indian national priorities, with the tendency of Indian political elites to downplay its importance. Even though the policy-makers themselves had little knowledge of critical defence issues, the armed forces had little or no role in the formulation of defence policy till 1962. Divorcing foreign policy from military power was a recipe for disaster as India realised in 1962 when even Nehru was forced to concede that "military weakness has

been a temptation, and a little military strength may be a deterrent." A state's legitimacy is tied to its ability to monopolise the use of force and operate effectively in an international strategic environment and India had lacked clarity on this relationship between the use of force and its foreign policy priorities.

A lot of attention is being paid to the fact that India will be spending around \$40 billion on military modernisation in the next five years and is buying military hardware—such as C-130 transport planes, airborne refuelling tankers, and aircraft carriers—useful for projection of power far beyond its shores. But such purchases in and of themselves does not imply a clear sense of purpose. Indian armed forces are today operating in a strategic void under a weak leadership unable to fully comprehend the changing strategic and operational milieu. At a time when Indian interests

Military power remains central to the course of international politics as force retains its role as the final arbiter among states in an anarchical international system. A state's diplomatic posture will lack effectiveness if it is not backed by a credible military posture.

are becoming global in nature, India cannot continue with its moribund approach of yore. It is up to the civilian leadership to come up with a credible policy on the use of armed forces and it is up to the military leadership to provide them sound guidance.

India has always been a nation of great ambition but today more than ever it needs to answer the question: What is the purpose behind its ambition? India wants to rise, but what for? It's not clear if India's political elite understand the implications of their nation's rise. India can no longer afford to sit on the sidelines of unfolding global events that impinge directly on vital Indian interests.

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THE MIDDLE EAST

Qatar compact

A quiet arrangement in the Middle East

SUSHANT K SINGH

DURING MANMOHAN Singh's visit to Qatar in the first week of November, the two countries signed a defence co-operation pact. One Indian official labelled the agreement—on joint training exercises, training of personnel and maritime co-operation—as “just short of stationing troops (in the region)”. This agreement is “the only one of the kind that India has signed with any country”.

To be sure, Qatar joins a list of countries with which India has signed defence co-operation agreements in recent years—United States, United Kingdom, France, South Africa, Australia, Singapore, Germany and Japan. It is, however, the first country in the Middle East to sign such a pact with India.

Qatar has a large body of US troops stationed on its soil but it had been pursuing this deal with India since 2005. This agreement means that India

tional headquarters of US Central Command were located during the Second Gulf War—that the US monitors a potentially-nuclear Iran, an unstable Iraq and China's growing footprint in the region, especially activity in the Pakistani port of Gwadar.

Qatar is the richest country in the world by World Bank per-capita estimates. Al Jazeera, which is based in and backed by Qatar, has ruffled many feathers in the region with its unique brand of lively reportage and critical commentary not only of Israel and the United States, but many Islamic regimes including Saudi Arabia.

Qatar has had a vexed relationship with the United States in the recent past. Relations took a nosedive over the issue of Al Jazeera. The United States felt that Al Jazeera was promoting radical viewpoints and supporting terrorism. Following Hamas's election victory in 2006, Qatar publicly rebuked the United States for working to undermine the results of the democratic process in Palestine. As host of the annual summit of Gulf Arab leaders this year, Doha invited the Iranian president, Mahmoud Ahmadinejad to attend. The relations soured further when the United States found it difficult to convince Qatar to support the American position on some sensitive issues during the latter's tenure as a member of the UN Security Council. However, there are signs that the ties between Qatar and the United States are again warming up.

The difficult relationship between Qatar and Saudi Arabia has also been repaired in the recent months. Besides objections to the portrayal of the Saudi royal family by Al Jazeera, Saudi Arabia had earlier also taken offence at Qatar's relationship with Israel. Qatar, on the eve of accepting the chairmanship of the Organisation of Islamic Conference (OIC) in November 2000, closed the Israeli trade office in Doha. Many observers have noted that Saudi Arabia also did not like the special security relationship Qatar had developed with the United States. It meant that the United States had acquired more flexibility for launching military operations in the region, thereby undermining Saudi Arabia's key strategic importance in the re-

With India and China emerging as a major constituents of the global energy market, the India-Qatar pact is the first step in redesigning the energy security architecture in Asia.

has committed to protect Qatar's considerable economic and geopolitical assets—oil & gas fields and sea lanes—if the need arises. India and Qatar had earlier agreed in June 2007 to jointly produce weapons and military equipment. This defence co-operation pact signed now will pave the way for joint production of weapons at Indian facilities.

Qatar's geostrategic importance

Qatar is of immense strategic importance due to its own enormous energy reserves and its geographical location in central Persian Gulf near major petroleum reserves. Its neighbourhood comprises of states that contribute to its insecurity, notwithstanding the presence of a large US base on its soil. It is from this Al Udeid base—where the opera-



gion. However, a three-day visit of the Saudi Crown Prince to Doha earlier this year has suggested a normalisation of relations between Qatar and Saudis.

Redesigning the energy security architecture

Qatar, with the third-largest reserves of natural gas in the world, has identified India as a big market for its natural gas. RasGas of Qatar signed a 25-year deal for shipping 7.5 million tonnes of liquefied natural gas (LNG) annually to terminals in Dahej, Gujarat and in Kochi, Kerala. The ex-ship price of \$2.53 per million British thermal unit (mmBtu) is considered a steal in current times when LNG prices are breaching \$20 per mmBtu. Earlier, Qatar had rescued India by supplying 1.5 million tonnes of more LNG on a short-term contract basis to recommence the beleaguered Dabhol power plant in Maharashtra, when other nations sought to review gas prices following an increase in price of crude oil.

India has a distinct stake in the Middle East, particularly in the Gulf region because nearly two-thirds of its energy imports originate from this area, and India meets nearly 80 percent of its oil demands from imports. Moreover, as India (along with China) constitutes the leading component of Asian demand from the region, it becomes an important destination for the Gulf countries too.

In fact, the shift of global energy trade towards Asian economies has its own geostrategic implications as energy relations, despite being shaped by markets, continue to be driven by geopolitical concerns. Nearly 15 percent of the world's super

tanker capacity transits from the Gulf to South East Asia. The United States has been the custodian of the energy security regime in the region so far. With India and China emerging as a major constituents of the global energy market, the India-Qatar pact is the first step in redesigning the energy security architecture in Asia.

The maritime co-operation agreement provides India with a strategic naval base in the Gulf region. The US-led Combined Task Force 150 (CTF-150) is currently the dominant naval presence in the area surrounding the Gulf of Aden. It includes the US, UK, France, Germany, Australia and Pakistan, and operates from bases in Djibouti and Bahrain.

The maritime security initiative will provide India and Qatar with a capacity to counter maritime threats against their commercial interests. India, with a bigger and stronger navy, will have a dominant role to play in mobilising responses against risks associated with energy transactions, be it safety of trade routes or repelling attacks by terrorists. This is a clear declaration of the Indian intent to be the pre-eminent power between the Persian Gulf and the Malacca Strait.

The India-Qatar agreement challenges the argument that Washington was furthering its relations with New Delhi only to use India as a countervailing force to a rising China.

Juggling and aligning

After a similar pact with Japan a few months ago, India's signing of a defence pact with Qatar is indicative of the growing comfort levels between the United States and India. Both these pacts with staunch US allies could not have been signed without Washington's tacit support. Unlike the pact with Japan, which was perceived by many as a US scheme of an India-Japan alliance to strategically contain China, the India-Qatar pact is less related to China. It challenges the argument that Washington was furthering its relations with New Delhi only to use India as a countervailing force to a rising China.

Interestingly, this pact not only provides an opportunity for greater military co-operation between India and the US but also indicates a closer conjunction of their strategic interests in the region. The greater Indian naval presence in the Gulf will provide the US the freedom to shift its military focus to its highest priority areas—Afghanistan and Pakistan.

However there is a big downside to the India-Qatar pact. India's relationship with Iran, which had weakened considerably after the Indian vote against Iran at the IAEA, has now hit a nadir. New Delhi needs to deftly navigate the relationship

with Iran, despite the robust growth of its ties with the US on a parallel track.

The most visible effort that India can make to signal the revival of its strong ties with Iran is to resume serious discussions purchasing natural gas. An improved relationship with Iran would allow India to align its geostrategic interests with those of Iran, as well as the United States, in stabilising Afghanistan.

Many experts have identified the strengthening of the links between the Gulf and India as one of the most important trends in international geopolitics today. India has legitimate interests in ensuring region's security. It is essential for New Delhi to invest not just in economic relations but also in security co-operation with countries in the region. The India-Qatar security pact is a beginning in the right direction.

Sushant K Singh is a resident commentator on *The Indian National Interest*.

BANGLADESH

Another restoration of democracy

Towards meaningful democracy or back to confrontational politics?

PLABAN MAHMUD

BANGLADESH IS at a critical juncture as it walks towards the long awaited election in December which is expected to put democracy back on track. The military-backed caretaker government is committed to hold the election by end-2008 (there is also a court order ordering them to) but there was much uncertainty whether all parties would participate. While most of the parties are prepared to contest the election, the Bangladesh Nationalist Party (BNP) and its coalition partner Jamaat-e-Islami has alleged that Election Commission (EC) has deprived them of a level playing field.

Bangladeshi democracy had suffered a derailment on 11th January 2007 (referred to as 1/11) when a parliamentary election under a non-partisan caretaker government was cancelled and

a military backed government took power. A state of emergency was declared and elections were deferred.

But what led to this situation? 2001-2006 was BNP's second term in power after parliamentary democracy was reinstated in 1991. Most of the parliamentary sessions were boycotted by the opposition Awami League (AL), making them ineffective. The Awami League complained that because BNP and its alliance had a majority, most of the opposition demands were either ignored or sidelined. Meanwhile, the country reeled under constant strikes and political acrimony.

The era saw the rise of fundamentalist forces, who received political backing. There were many bomb attacks, reaching its peak in 2005. On 21st



August 2004, grenades were thrown at an Awami League rally targeting Mrs Hasina. Twenty-one people were killed, including Ivy Rahman, the party's secretary for women affairs. Awami League leaders like former finance minister Shah AMS Kibria and Ahsanullah Master were assassinated. The Awami League alleged a long term plan of the Khaleda-Nizami led BNP-Jamaat government to annihilate its leadership. Investigations into these assassinations were politically compromised. The caretaker government filed charges against 22 persons including top Harkat-ul-Jihad Islami (HUJI) leader Mufti Abdul Hannan and BNP leader and former deputy minister Abdus Salam Pintu.

The fact that the attackers had held two meetings at the BNP minister's residence to take a decision about the attack proves that a section of BNP was involved in the assassinations. Towards the end of the BNP coalition tenure, the government tried to ensure its re-election by politicising all important government posts.

It is alleged that the main players behind the 1/11 bloodless coup were a mixture of some local intellectuals and ambassadors of some foreign countries. They facilitated the change of government using the armed forces to prevent the country's descent into chaos, with the Awami League boycotting the election, accusing the BNP's set-up of engineering the elections. At the same time the kingmakers could restrain the army with the threat that lucrative UN mission jobs would disappear if there was as military dictatorship.

The new caretaker government took some populist measures like cracking down on politicians on charges of corruption. The revamped anti-corruption commission has investigated and brought hundreds of charges against politicians, businessmen and bureaucrats. Some of them were arrested, tried, and convicted. A big step was taken to cleanse the election process of corruption. A new national ID-card cum voter-ID project was initiated.

But its measures were not free of controversy. Most of the arrests were made under the emergency act, without charges. Proper investigation and charges against the accused would have been more effective in securing convictions. In the event, many of the arrested found their way out of the jails after the judicial process.

The caretakers also tried to reform the main political parties. Their much criticised 'minus two theory' was to keep the two begums out of the leaderships of the main two parties. Former prime ministers Khaleda Zia and Mrs Hasina were arrested on different politically motivated charges and detained. Family members and relatives of both the members were also put behind bars. But because of protests and their own resilience, the government was forced to release them on bail.

The Awami League is now in the position the Democrats were in during the US elections in November. People want to see a change of government. Some believe that General Moeen U Ahmed, the army chief, supports the League. The Awami League leaders, however, may be overconfident

about their prospects and have not vigorously countered BNP propaganda.

Meanwhile many pro-BNP and Jamaati supporters are alleging a conspiracy to bring the Awami League to power. Redrawing the constituencies according to demography by the Election Commission has affected the BNP adversely. The revised Representation of People Ordinance (RPO) 2008 enacted by the caretaker government bars those individuals who have defaulted on utility

Some believe that the army chief supports the Awami League. The Awami League leaders, however, may be overconfident about their prospects. The BNP is in a disarray and there is a chance that Jamaat-e-Islami will move the coalition to the far-right.

bills, have been convicted or are war criminals; from standing for elections. The BNP and the Jamaat are vehemently opposing it because some of their potential candidates will be disqualified. The main problem of the BNP is that most of its top leaders are either behind bars on corruption charges or are on the run. Sources of their wealth are in question, their bank accounts frozen or under scrutiny by the government, and they will need time to clear the mess. There are feuds within the party structure in almost all local divisions. Many of their leaders are not hopeful of winning. Leave alone a majority, they are not sure whether they will be able to form a strong opposition. Indeed, they are not even sure of their ability to post enough strong candidates in 300 seats across the country.

This is where BNP's coalition partner Jamaat-e-Islami comes into the picture. In the recent years it has gained poise and strength when most of the

leaders of BNP and Awami League were reeling under charges of corruption. It is now bargaining with BNP to post at least 100 candidates for the coalition and if it wins most of those seats, the coalition will move to the far-right.

The other players in the political field, like the former dictator Hussein Mohammed Ershad's Jatiyo party, and ex-president, veteran ex-BNP leader Badruddoza Chowdhury's *Bikalpa Dhara* or Kamal Hossain's *Gono* forum are not seen as alternatives to those three main political parties.

The BNP, having realised that they have no option but to participate in the election, proposed that if election was deferred for 10 days to December 28th and their three point demands are met then they will participate. Their three points include abrogation of Section 91E of RPO act which states that Election Commission can cancel the candidature of anyone who, on investigation, is found violating the electoral code of conduct. These measures had been put in place to add more teeth to the hitherto un-enforced code of conduct.

The Election Commission acceded to the demands. It announced that the general election would be postponed to December 29th. The date for submission of nomination papers was also extended giving the undecided parties some more time to prepare for the election. The government had no other option: for if the BNP and the Jamaat did not take part in the election then strikes and violence would return to the streets of Bangladesh, making the incumbent government dysfunctional.

So what future awaits Bangladesh? Will the voters allow these two begums to regain the control of Bangladesh politics? Will Bangladeshis be able to disengage from the confrontational and polarised politics of Bangladesh? The final decision, wonderfully, lies in the hands of the voters.

Plaban Mahmud is a EU-based commentator on Bangladeshi current affairs.



REVIEW

The state of the FATWAT

How Pakistan has fared as a Frontline Ally in The War Against Terror

SALIL TRIPATHI

IT MAY seem incredibly arrogant to wonder about Pakistan's fate when the city of my birth—the one I still call Bombay—is in flames. But such is my task as I reflect on two recent books about Pakistan—my former colleague Ahmed Rashid's book, *Descent Into Chaos*, which is an account of the post-9/11 history of Afghanistan and Pakistan, and *The Duel*, Tariq Ali's polemical take on the state of Pakistan, in particular its relations with the United States.

Pakistanis have some justification in wondering at the apparently disproportionate attention: why

Review

Descent into Chaos

by Ahmed Rashid
Viking, 484 pages, 2008

Review

The Duel: Pakistan on the Flight Path of American Power

by Tariq Ali
Scribner, 304 pages, 2008

does an attack on their premier hotel—the Marriott in Islamabad in September—lead people to question Pakistan's future, when a similar attack on the Taj Mahal Hotel in Bombay in late November—does not provoke such a reaction about India. Is it due to a bias? Or smugness?

Mr Ali's book offers some answers. While he is not a fan of India's democrats,

he values its democracy. He recognises early, that unlike Pakistan's leaders, India's founding fathers had earned the credibility of the masses by leading

the country's freedom struggle. They went to jail, and in the eyes of millions of Indians, they were heroes. In contrast, Pakistan's leaders had not earned such adoration from the people, and as Mr Ali points out, few had a coherent idea of what a faith-based nation-state might look like. (Some wanted separation in order to avoid being dominated by Hindu businessmen; others had not thought through the impact of Muslim migrants who would come from India.) And because they had no mass base, it became easy for the military to intervene whenever it willed. The result is a de-based polity.

An unaccountable military was able to divert resources to its uses, and the venality and corruption of its civilian leaders made many Pakistanis hanker for the firm rule of the army. With neither the military nor the politicians able to provide a moral core, many Pakistanis turned to the people Mr Ali refers to as "bearded lunatics", or fundamentalists. The result has been catastrophic dysfunctionality.

And that dysfunctional nature is responsible for the chaos that prevails over Pakistan's western

raise questions about Pakistan's future, challenging the government and exposing its follies.

Mr Ali has been a left-wing activist, a provocative columnist and a muckraking writer who writes with élan and conviction. Well-connected in Pakistan, he is able to report intimate conversations with several Pakistani politicians, including the Bhuttos. While an admirer of Zulfiqar Ali's early radicalism and Benazir's bravery, he is dismayed by the father's cynicism and the daughter's failure to distance herself from her husband.

But Mr Ali is angrier with the moustachioed men in khaki who never let democracy prevail in Pakistan. Generals Ayub Khan, Yahya Khan, Zia Ul-Haq, and Pervez Musharraf together ruled Pakistan for 34 of its 60 years and militarised the society. Defence budgets were no longer scrutinised, and resources were diverted for the military even as illiteracy rose and inequality widened.

At its founding, Mohammed Ali Jinnah wanted a different Pakistan. Speaking to the Constituent Assembly in 1947, Jinnah told his new nation: "You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State... you will find that in course of time Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State." (In Mr Ali's book, though, even Jinnah does not come off too well).

Mr Ali doubts if such a Pakistan is possible. His question now is: Can Pakistan be recycled?

But that is not easy, given the mayhem along the western front, as Mr Rashid reminds us. Without Mr Ali's rhetoric, Mr Rashid shows how American interests have unduly influenced Pakistan's leaders, and decisions America has made has had far-reaching consequences in Pakistan. To be fair, he does not blame President Bush for all of Pakistan's contemporary problems—rather, he reminds us of some of the neglect during President Clinton's time in the White House. Mr Clinton did not have a coherent strategy in dealing with Pakistan or the Taliban, he says. But the Bush Administration—and in particular, the Rumsfeld Pentagon—does not escape blame. Mr Rumsfeld enabled the warlords to re-enter politics; he blocked more troops or more aid from reaching Afghanistan, because that great diversion—Iraq—dominated his thinking.

Mr Rashid wants more western engagement in Afghanistan—money, aid, weapons, soldiers. And he fears that it will fall off the map, one more time.

border. The Soviet invasion of Afghanistan in 1979 gave some Pakistani generals the access and power they had not dreamt of—of being able to dictate events way beyond their borders, driving in "unmarked cars" and armed with "a packet of Dunhill", as the novelist Mohammed Haneef memorably describes Pakistan's ISI. Some felt proud in creating a genie they'd hopefully tame—the Taliban—the others delighted in being "pin-up generals" from Leavenworth, as Mr Ali describes them.

Mr Rashid does not forecast a break-up of Pakistan, but the future he describes is bleak. Mr Ali has been forecasting Pakistan's break-up for a long time now—since the 1980s, when after the separation of Bangladesh, he asked: *Can Pakistan Survive?* (For those sins, his books were banned in Pakistan). Not daunted by that, he has continued to

Ahmed Rashid would like the United States to intervene in Kashmir and act as an envoy. The desirability of such an initiative apart, it is less likely now, if only because India's strategic importance has grown, and containing India is no longer in American interests.

The United States does not have the patience to build a nation, he argues. And while the economic crisis had not engulfed the world when he published the book, it is not going to make it any easier for any Western government to maintain the same level of commitment to Afghanistan at a sustained level over time.

Mr Rashid's analysis is accurate: "Afghanistan is not going to be able to pay for its own army for many years to come—perhaps never." Who will defend Afghanistan, and who will keep it as a going concern? And an unstable Afghanistan does not contribute to stability in Pakistan, which is going through an "identity crisis".

It is his discussion on Kashmir which would interest Indian readers more. Mr Rashid correctly identifies Kashmir as the cornerstone that dictates how Pakistan views the world. Arguably, every Pakistani foreign policy initiative can be understood bearing in mind its obsession with Kashmir. Mr Rashid would like the United States to inter-

vene and act as an envoy. The desirability of such an initiative apart, it is less likely now, if only because India's strategic importance—in economic terms—has grown, and containing India is no longer in American interests. Some analysts in fact feel the United States would like to see a stronger India to balance China's rise. For decades Indian foreign policy officials wanted the subcontinent to be de-hyphenated. With the nuclear deal, that has de facto happened. In such a context, it is difficult to imagine the US intervening in a dispute it understands little, in which its strategic interest is limited, and in whose settlement it does not think it has a direct stake.

And it is that de-hyphenation that partly explains why a burning Taj in Bombay is not the same as a burning Marriott in Islamabad.

Salil Tripathi is a writer based in London.

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Cuffe Parade, South Bombay



Map: Arun Ganesh

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